

Attorney's Docket No. RA5373
1st Amendment

Serial No. 09/738,852
March 31, 2004

REMARKS

Applicant respectfully traverses the rejection as the Madrane reference does not have the elements of the claims and therefore the applicant believes it cannot sustain a section 102 rejection.

It should also be noted that Madrane appears to be addressing the problem of managing interactive video and multimedia containers rather than versions of applications software. The applicant credits the examiner with ingenuity, creativity and enterprise in finding this reference to cite against the applicant's claims because Madrane is very far afield in terms of the problem it solves contrasted to the problem solved by the applicant. It should be considered non-analogous art.

Nevertheless, applicant will show that the Madrane reference is also missing the basic features of the claims and as such is an invalid reference.

Claim 1 is the first independent claim and we examine it first.

Madrane does not disclose a "System for assigning each one of a plurality of versions of a software application to specific requests"

The Madrane patent is addressing something it calls OBVI's defined in column 28, lines 16-21 as a hyper-media container. OBVI's are stored and managed as database objects. IT IS NOT AN APPLICATION SOFTWARE PROGRAM.

Madrane does not disclose... "wherein more than one .. versions of said software application is available to service requests from users ..." Firstly because the OBVI that Madrane is managing is not an application, and secondly, because the OBVI itself DOES NOT SERVICE REQUESTS FROM USERS.

Madrane does not contain the feature... "wherein the requests have a SiteID code" ... Madrane has site ID's but they are not linked to requests. The Madrane OVI contains a site identifier as noticed at the Column 23, line 21 et seq. cite by the examiner, but this OVI is NOT A REQUEST as that term is commonly understood. Furthermore, as the term SiteID is used in the application, it refers to a USER SITE, NOT the site at which the application software is available to the user.

Madrane does not teach ... "wherein said one of said plurality of sites has only one of said more than one versions of a said software application program..." The examiner cites

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to column 40, lines 55, 6 and column 23, lines 58,9 and column 16, lines 34,5 to show that it does. However, the Madrane reference at the first cite says that the sites have unique identifiers, NOT THAT A SITE HAS (AVAILABLE TO IT) ONLY ONE VERSION OF A SOFTWARE APPLICATION as is the plain implication of the claim. The next cite says the "Obvious Network Architecture is a distributed systems composed of several software components." As this reference says nothing about OBVIs nor anything else this writer can see that explains this citation, nothing further will be said about it. The third citation to column 16, lines 32,5 is also an opaque reference to this writer. Again, Madrane is managing what appear to be files that users want access to, not application software that will support user activities. It has no reason to have only one version of these files available to specific SiteIDs at which specific groups of users may be resident. Review of Madrane does not show that it can make the claims limitations as set forth above because of this.

There may be additional inconsistencies between the disclosure of Madrane and the applicant's claims, but it is believed that these distinctions already made will be dispositive.

Accordingly, the rejection of claim 1 and all that depend from it (2-12) is respectfully traversed and reconsideration and withdrawal are respectfully requested.

The citation of the obviousness rejection against claim 12 cannot be maintained since the base claims are patentable over the base reference and the base reference is missing the elements cited above that are not supplied by the obviousness rejection.

Claim 13 does not appear to be rejected on any specific grounds, and the applicant respectfully states that it believes that for similar reasons it should be allowed.

The rejection of claim 14 et seq. is traversed on similar grounds. There is no SiteID within any user request as those terms are understood in the application, so it is not possible that the Madrane reference can read the SiteID code from within the user request to make the determination which software application program on the server is indicated by the request. Madrane also has no software application being distributed from the server. The SiteID shown in the cited column and line numbers speaks instead to where the web server is, not to where the requestor resides. Accordingly it is clearly not a SiteID as the term is used in the applicant's invention. Madrane is sending the SiteID identifying the location where the OVI or OVBI is located, not the location from which the request is sent. However, the applicant is modifying the limitation to indicate this more clearly so there can be no confusion between the claim language and the Madrane reference.

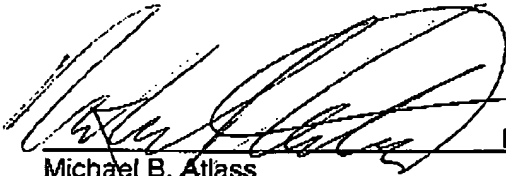
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Accordingly, the rejection of claim 14 and all that depend from it (15-18) is respectfully traversed and reconsideration and withdrawal are respectfully requested.

Believing the claims to be in condition for allowance, the applicant respectfully requests they be allowed and passed to issue.

Respectfully submitted,



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